

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 766 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

LAKHABHAI RANCHHODBHAI

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

Mr S J Dave, APP for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 31/08/98

ORAL JUDGEMENT

Heard the learned Advocate for the petitioner and the learned APP.

2. The petitioner has been convicted for offence under section 302 of IPC. and sentenced to life imprisonment by the judgment passed by the learned Sessions Judge, Palanpur. The petitioner is undergoing sentence. He applied for furlough under the provisions

of Prisons (Bombay Furlough & Parole) Rules, 1959. The prayer has been rejected on the ground that two co-accused are absconding. In my view, this cannot be a just ground. The petitioner has availed furlough leave on two occasions earlier and he has not misused the liberty.

3. In view of the aforesaid, this Special Civil Application is allowed and it is directed that the Jail authorities will pass appropriate order for release of the petitioner on furlough leave on just and usual conditions. Rule made absolute to the aforesaid extent.

31.8.98 [N N Mathur, J]
msp.